



M E M O R A N D U M

To: Kennebunkport Board of Selectmen
From: David Versel
Date: September 7, 2005
CC: Growth Planning Committee
RE: Responses to Comments at 8/25 Meeting

On behalf of the Growth Planning Committee, I have reviewed the comments and questions raised by the Selectman Robert Sullivan on August 25, 2005 and inventoried the Committee's responses to them. This memorandum summarizes my review.

Issue #1 – Historic Preservation

The conflict pointed out by Mr. Sullivan between the inventory conclusion that "more than voluntary participation" was needed and the strategies in this section was rectified by removing the sentence on Page 25 (Ch IV) that suggested the need for more than voluntary participation.

Issue #2 – Marine Resources

Mr. Sullivan correctly observed that transient public moorings are required in the Harbor. A sentence has been added on Page 34 (Ch V) that reads: "In return the Towns are obligated to maintain two public moorings for use by visitors to the River (transient moorings). These are in the process of being assembled and set."

Issue #3 – Overboard Discharges

Mr. Sullivan had wondered if overboard discharges were permitted. There are, in fact, three licensed overboard discharge systems in Kennebunkport. This reference has been left in the Inventory on Page 57 (Ch VI).

Issue #4 – Revaluation

Mr. Sullivan asked if there was a need to add a goal or strategy advocating for a townwide revaluation. The GPC determined that, given past history in the Town, this issue was best left alone. However, the following note on past votes and potential consequences was added to the Ch VIII Inventory on Page 86: "The Town has twice rejected local efforts to conduct townwide reassessments. The state is entitled to impose a revaluation if it deems it necessary."

Issue #5 – Local Sales Tax

Mr. Sullivan asked if there was any value in analyzing the effects of a change in the state's system of distributing sales tax revenues. While the GPC does agree that this could have a major positive impact on the Town's finances, the consensus was that this was a very thorny political issue that is well beyond the Town's control and that the Comprehensive Plan should remain silent on it.

Issue #6 – Land Use Ordinance

Mr. Sullivan asked for further explanation as to the contents of the existing LUO sections referenced in Ch VIII (pp. 94-95). Boxes containing existing language have been added for these strategies.

Issue #7 – Zone 1 Minimum Lot Size

Mr. Sullivan expressed a concern that raising the minimum lot size from one to three acres in Zone 1 would harm landowners who are seeking to give land to family members. This issue has been of great concern to the GPC. We do agree that the Town must ensure that future generations of longtime families can remain in town. However, this area of Town is an extremely environmentally fragile. Much of this land is located in the same watersheds as coastal estuaries—the very same estuaries that have come under scrutiny for water quality issues this summer. The GPC felt very strongly that continued residential development in this area would further degrade the already troubled water quality in the areas surrounding Goose Rocks Beach.

A second point to make here is that the existing LUO sets the minimum lot size in this section of town at one net acre, after subtracting out wetlands and ledge. The GPC's proposal is to set a minimum lot size of three gross acres. Since many of the properties in Zone 1 contain substantial inventories of unsuitable soils, the real effect of this change may not be as great as some landowners fear.

Issue # 8 – Town Assistance to Nonprofits

In Ch XI, two strategies had suggested that the Town support nonprofits providing cultural programs. Mr. Sullivan raised a concern about explicitly doing this. In response, the GPC has altered Goal 1, Policy 3, Strategy 1 (p. 147) to read: "Allow links to local nonprofit organizations on the Town website," and has deleted Strategy 2 ("Provide Town assistance e.g.: traffic control etc. if needed to non-profit programs").

Issue #9 – School Funding Formula

This section had originally been written before the passage of LD1. In response to Mr. Sullivan's comments, the following paragraph was added to Ch XII (p. 151): "The property tax reform act, LD 1, passed by the 2005 state legislature has changed how the formula is calculated. The new formula will rely entirely on cost per student rather than the reliance on state property valuations of the towns. This formula will be phased in over four years to ease the financial disruption for Kennebunk. The effects for 2005-2006 are significant: under the phase-in plan Kennebunk's school assessment for 2005/2006 will be \$7,593,771; under the old formula it would have been \$8,405,591. It is anticipated that this change will ease considerably the controversy over school costs."

Also, the following sentence was added to the Analysis and Conclusions on p. 166: “With the change in the formula for cost sharing in S.A.D. #71, the costs of education are being reduced for Kennebunkport residents. These costs will likely increase again in the future with new educational pressures, but they will be more equitably shared. They may also be impacted by state budget shortfalls. The quality of education in S. A. D. #71 continues to be good.”

Issue #10 – Hazard Mitigation

Mr. Sullivan correctly pointed out that the Town has adopted the York County Hazard Mitigation Plan. The Analysis and Conclusions section of Ch XV (p. 198) now reads as follows: “A county-wide hazard mitigation plan was completed by the Southern Maine Regional Planning Commission for the York County Emergency Management Agency in 2004. This plan was subsequently adopted by the Kennebunkport Board of Selectmen with an endorsement from the Town’s former Emergency Management Director. This plan contains many recommendations for individual municipalities and contains a great deal of direction regarding both local and regional hazard mitigation activities. The goals, policies and strategies presented in this chapter reflect a commitment to the county plan.”

Issue #11 – School Inventory

Mr. Sullivan observed that school inventory information in Ch XII was out of date and, in some cases, inaccurate. Lyman Page spoke with both Nathan Poore and SAD #71 officials. The school inventory has been amended to reflect accurate information (pp. 149-152).